

CITY OF WICHITA BOARD OF ZONING APPEALS

MINUTES

December 17, 2015

The regular meeting of the City of Wichita Board of Zoning Appeals was held on Thursday, December 17, 2015 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: David Dennis; Chair; Lowell E. Richardson; Vice Chair; Matt Goolsby; David Foster; John McKay; Debra Miller Stevens and Bill Ramsey. Staff members present were: Dale Miller, Director; Derrick Slocum, Secretary; Jeff Vanzandt, Assistant City Attorney and Maryann Crockett, Recording Secretary

1. Approval of the November 5 and November 19, 2015 BZA Minutes.

MOTION: To approve the November 5, 2015 minutes.

JOHNSON moved, **RAMSEY** seconded the motion, and it carried (6-0-1).
MCKAY – Abstained.

MOTION: To approve the November 19, 2015 minutes.

MCKAY moved, **RAMSEY** seconded the motion, and it carried (7-0).

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2. **BZA2015-00065** - City BZA variance request to the Sign Code to increase wall signage from 32 square feet to 64 square feet on property zoned GO General Office on property described as:

Lot 1 EXCEPT the North 15 feet of the West 1014.77 feet platted as part of C.C.R. Addition & EXCEPT C.C.R. 3rd Addition & EXCEPT that part deeded for street, Security Storage Properties Addition to Wichita, Sedgwick County, Kansas.

JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

BACKGROUND: The applicant proposes to install an additional building sign on the north elevation of the existing building, matching the existing 32 square foot sign currently fronting North Rock Road. This request would increase the allowable building signage in the GO General Office (“GO”) zone district by 32 square feet. The applicant has submitted the attached site plan and building elevations to illustrate the proposed signage.

Section 24.04.193(3) of the Sign Code limits building signs in GO zoning to a maximum of 32 square feet in area. The applicant wishes to install one additional 32 square foot sign building sign on the north elevation of the existing building. This proposed sign would face northward, being visible to southbound traffic on North Rock Road. The sign, which will consist of 20 individual channel letters with white face for eight letters and 12 yellow faced, will equal the total 64 square feet, with the existing building sign, and exceeds the 32 square foot limitation.

The applicant is proposing just this one additional sign and while not along any frontage, the sign would be facing parking lots of existing LC Limited Commercial (“LC”) zoned properties and southbound Rock Road traffic.

This property has been zoned GO since the early 1980’s and in 1984 a variance (or at the time, an exception permit) was approved (BZA35-84) to allow the construction of a residential storage warehouse. Since the approval in 1984, businesses, residences and traffic has increase along this section of North Rock Road, increasing the need for businesses to have signage in order for traffic on Rock Road to be able to identify the location of existing businesses.

Properties north of the subject site are zoned LC and GC General Commercial (“GC”) and are developed with a grocery store, furniture store and additional warehousing. Property south of the site are zoned GC and SF-5 Single-family Residential (“SF-5”) and are developed with an outdoor vehicle sales operation and a large open parcel of land with communication towers. Property east of the site, across Rock Road, is zoned SF-5 and is currently undeveloped. Property west of the site is also zoned SF-5 and is developed with a junior high school, although the track and football field is in closest proximity to the subject site and the actual school building is approximately 2,110 feet southwest of the structure with the proposed additional building sign.

ADJACENT ZONING AND LAND USE:

NORTH	LC and GC	Grocery Store, Retail, Warehousing
SOUTH	GC and SF-5	Outdoor Vehicle Sales, Communication Towers
EAST	SF-5	Vacant Land
WEST	SF-5	Junior High School

The five criteria necessary for approval as they apply to variances requested.

UNIQUENESS: It is staff’s opinion that this property is unique, inasmuch as, this property is in an area that is primarily commercial and Rock Road is one of the highest traffic volume arterials in Wichita. This is a narrow parcel between other larger commercial uses and is also the only property that is not commercially zoned along this one mile stretch of Rock Road. The previous variance in 1984 allows the existing use in this zoning district, thus making this property similar to the surrounding commercial uses. If the property was zoned either LC Limited Commercial (“LC”) or GC General Commercial (“GC”) it would be allowed significantly more building signage and additional signage along Rock Road.

ADJACENT PROPERTY: It is staff’s opinion that granting the requested variance for an increase of building signage area would not adversely affect the rights of adjacent property owners, inasmuch as, the proposed sign is a building sign that will not be seen from property south, east or west of the site. The sign is small in nature and will have no visual impact on the surrounding properties and the property it will be facing is a parking lot for the adjacent grocery store.

HARDSHIP: It is staff’s opinion that the strict application of the provisions of the sign code would constitute a hardship upon the applicant, inasmuch as, the property’s visibility is limited

due to the larger commercial uses on the north and south sides of the subject site. The lack of adequate signage has created a visual and economic hardship on the operators of the use.

PUBLIC INTEREST: It is staff's opinion that the requested variance for an increase of building signage area would not adversely affect the public interest, inasmuch as, adequate identification and successful use of this property are in the public interest.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for increased building signage area does not oppose the general spirit and intent of the Sign Code, inasmuch as, the Sign Code restriction is to limit signage in the GO zone district because those uses are often near residential uses. The Sign Code seeks to limit intrusion of signage into more restrictively zoned areas of the City. The Code also seeks to maximize visibility while limiting intrusion. Since this property is primarily commercial in use, as well as the surrounding properties, the location of this request does not violate the spirit and intent.

RECOMMENDATION: It is staff's opinion that the requested building sign area increase for this building and site is appropriate, given the location of the building, scale of the building and proposed sign, surrounding uses and frontage along Rock Road. If the Board determines that the necessary conditions to grant a variance exist, the Secretary recommends that the variance to increase building wall signage from 32 square feet to 64 square feet in the GO General Office ("GO") zone district be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the variance granting, unless such time period is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

MOTION: To approve subject to staff recommendation.

MCKAY moved, **RAMSEY** seconded the motion, and it carried (7-0).

The City of Wichita Board of Zoning Appeals adjourned at 1:34 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, Derrick Slocum, Secretary of the City of Wichita Board of Zoning Appeals do hereby certify that the foregoing copy of the minutes of the meeting of the City of Wichita Board of Zoning Appeals, held on _____, is a true and correct copy of the minutes officially approved by such Board.

Given under my hand and official seal this _____ day of _____, 2015.

Derrick Slocum, Secretary
City of Wichita Board of Zoning Appeals